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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SET CAPITAL LLC, et al.,
Individually
and on Behalf of All Others Similarly
Situated,

Plaintiffs,

-against-

CREDIT SUISSE GROUP AG,
CREDIT SUISSE AG, CREDIT
SUISSE INTERNATIONAL,
TIDJANE THIAM, DAVID R.
MATHERS, JANUS HENDERSON
GROUP PLC, JANUS INDEX &
CALCULATION SERVICES LLC,
and JANUS DISTRIBUTORS LLC
d/b/a/ JANUS HENDERSON
DISTRIBUTORS,

Defendants.

18-cv-02268-AT-SN

FOURTH AMENDED
CIVIL CASE
MANAGEMENT
PLAN AND SCHEDULING
ORDER

SARAH NETBURN, United States Magistrate Judge:

This Civil Case Management Plan (the “Plan”) is submitted by the parties¹ in accordance with Rule 26(f)(3), Fed. R. Civ. P.

1. All parties do not consent to conducting all further proceedings before a magistrate judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. All motions and applications shall be governed by the Court’s Individual Practices, including pre-motion conference requirements, except that motions in limine may be made without a pre-motion conference.

¹ The parties for purposes of this stipulation are plaintiffs and Credit Suisse Group AG, Credit Suisse AG, Credit Suisse International, Tidjane Thiam and David R. Mathers.

4. Fact Discovery

- a. Except as provided in Paragraph 4(b), all fact discovery shall have been completed by February 28, 2023.
- b. The following additional fact discovery shall be completed no later than April 14, 2023:
 - i. Deposition of Elena Rodger, currently scheduled for March 27, 2023;
 - ii. Rule 30(b)(6) Deposition of Credit Suisse in accordance with this Court's March 1, 2023 order;²
- c. At least two weeks prior to a scheduled deposition date, Defendants shall provide a document-by-document privilege log for each of the noticed deponents.
- d. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York.

5. Plaintiffs' Motion to Amend³:

- a. Plaintiffs shall file any motion to amend the Amended Consolidated Class Action Complaint no later than April 21, 2023.
- b. Defendants shall file any opposition to Plaintiffs' motion to amend no later than May 22, 2023.
- c. Plaintiffs shall file their reply brief no later than June 5, 2023.

6. Expert Discovery:

- a. Plaintiffs shall identify their expert(s) and the topic(s) upon which they will testify no later than seven (7) days after the District Court has issued a decision on Plaintiffs' motion to amend.
- b. Plaintiffs shall serve their expert report(s) no later than twenty-one (21) days thereafter.
- c. Defendants shall serve their expert report(s) no later than forty-five (45) days after service of Plaintiffs' expert report(s).

² Plaintiffs reserve their right to seek discovery for anything arising out of these two depositions and Mr. Thiam's March 3, 2023, deposition. Defendants reserve their right to oppose any such efforts.

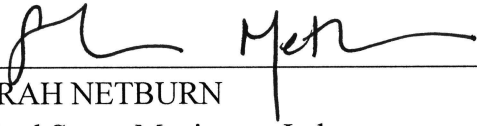
³ By agreeing to a briefing schedule on Plaintiffs' anticipated motion to amend, Defendants do not intend to waive, and expressly preserve, all rights and defenses to such a motion, including, but not limited to, all arguments as to the untimeliness of any such motion under this Court's scheduling orders or any applicable rule.

- d. Plaintiffs' expert rebuttal report(s) shall be served no later than thirty (30) days after service of Defendants' report(s).
 - e. All expert discovery, including all expert depositions, shall be completed no later than sixty (60) days after service of Plaintiffs' expert rebuttal report(s).
7. Summary Judgment:
- a. All motions for summary judgment shall be filed no later than thirty (30) days after the close of expert discovery.
 - b. Oppositions to motions for summary judgment shall be filed no later than thirty (30) days thereafter.
 - c. Reply briefs in further support of summary judgment shall be filed no later than twenty-one (21) days after the service of any oppositions to motions for summary judgment.
8. All counsel must meet face-to-face or via Zoom for at least one hour to discuss settlement within fourteen (14) days following the close of the fact discovery outlined in Paragraph 4(b).
9. The Final Pretrial Submission Date is sixty (60) days after a decision of the District Court on the motion(s) for summary judgment. By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the Court's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine shall be filed no later than thirty (30) days after a decision on the motion(s) for summary judgment and the pre-motion conference requirement is waived for any such motion. If this action is to be tried before a jury, proposed *voir dire* questions, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date. If no motions for summary judgment are filed, then the Final Pretrial Submission Date is sixty (60) days after the deadline for filing motions for summary judgment.
10. Counsel for the parties have conferred and their present best estimate of the length of trial is: two weeks.

This ORDER may not be modified or the dates herein extended, except by further order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with paragraph I.B. of the Court's Individual Practices and shall be made no less than five (5) days prior to the expiration of the date sought to be extended.

The parties' requested extensions are GRANTED in part and DENIED in part. Specifically, any motion to amend the complaint must be filed by April 21, 2023, and the identification of Plaintiffs' experts is due seven days after a decision on Plaintiffs' motion to amend.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Dated: March 14, 2023
New York, New York